

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 11, 2012
7:30 p.m. – 8:45 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner; Josh Ratner, Student Liaison.

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Afzali led the pledge of allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to approve the minutes of the Special Session on August 8, 2012, the Regular meeting on August 14, 2012; and the Confidential Minutes of the two Executive Sessions on August 8, 2012 and the Executive Session on August 14, 2012. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Catlin announced the Berwyn District Civic Association meeting would be held on Thursday, September 20 at 8:00 p.m. at Fealy Hall.

Councilmember Wojahn said that Saturday, September 22 is the annual car free day. Because it is on a Saturday this year, it poses extra challenges. If you can't go car-free, go car-light.

Councilmember Kabir thanked everyone who participated in last Saturday's Hollywood clean-up event. North College Park Citizens Association meets Thursday at 7:30 p.m. at Davis Hall.

Councilmember Dennis said the Lakeland Civic Association will hold their meeting on Thursday at 7:30 in the College Park Community Center. The Lakeland Community Heritage Project will hold their annual heritage event this weekend.

Councilmember Stullich said the Calvert Hills Citizens Association would meet on Thursday from 7 – 9 p.m. in the Council Chambers.

Amendments to the Agenda: Councilmember Afzali moved items 12-O-07 and 12-CR-01 to the Consent Agenda.

City Manager's Report: Mr. Nagro mentioned the letter in the red folders from Riverdale Park Mayor Vernon Archer about our cities' legal representation for the Cafritz development. The

letter posits that since College Park voted not to appeal the Cafritz re-zoning decision, the previous conflict of interest that existed with attorney Fred Sussman no longer exists, and asks for College Park's concurrence. City Attorney Suellen Ferguson said the question is whether Mr. Sussman needs a continuation of the waiver to continue to work on this matter for Riverdale Park. After discussion, Council signified their agreement with the Riverdale Park letter, and authorized Mr. Nagro to respond to Riverdale Park in that regard. Should the positions of the two municipalities become adversarial in the future, the need for a waiver will be revisited.

Mayor Fellows asked if there was any objection to having him sign a letter at the COG meeting tomorrow in support of the "TapIt" program. TapIt is a free program sponsored by COG which encourages restaurants and local shops to provide tap water at no cost to patrons with a reusable bottle. There was no objection.

Student Liaison's Report: Mr. Ratner commented on student participation in the north College Park clean-up and said he is often able to get students to help with community projects. At the last SGA meeting he discussed the development of the Book Exchange property. While the SGA did not take a formal vote, there was general opposition to the two story roof and six story building. He discussed items on tomorrow's SGA agenda: transportation for College Park Day and support for Marriage Equality in Maryland. Council requested to receive SGA agendas in advance.

Comments from the Audience on Non-Agenda Items:

John Krouse, NCPCA President, 9709 53rd Avenue: He said the agenda at the Thursday NCPCA meeting will include the Greenbelt Sector Plan.

Eve Müller, College Park Arts Exchange Board, 4710 Calvert Road: She thanked Council for their support of the CPAE and discussed recent initiatives. She said the CPAE would like to see a new piano purchased for the Old Parish House, ideally one equipped with internal climate control to maintain tuning. She suggested prices might begin at \$2,000 and go up. Councilmember Wojahn mentioned that the UMD frequently sells used pianos which might be an idea to pursue. Mayor Fellows asked her to follow up with an e-mail, and said this may need to be a budget item for next year.

Consent Agenda:

A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to adopt the consent agenda, which consisted of the following items:

- 12-G-96 Approval of an Amendment to the City Manager's Employment Agreement**
- 12-G-97 Approval of Fall Field Use Application by the Maryland Stingers Women's Rugby Team**
- 12-G-100 Approval of Letter to the Prince George's County Planning Board with City Priorities for the M-NCPPC FY 2014 Budget**

- 12-R-17 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Increasing The Membership Of The Farmers Market Committee To Eight Members**
- 12-O-07 Adoption of 12-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 34, “Elections”, Article I, “General Provisions” §34-3, “Definitions”, Article II, “Conduct Of Elections”, §34-5, “Polling Places; Hours Of Voting”, And Article III “Fair Election Practices”, §34-15, “Campaign Finance Reports”**
- 12-CR-01 Adoption of 12-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article IV, “Voting And Elections” §C4-2, “Registration Of Voters” And §C4-5, “Petitions For Candidacy”**

The motion passed 8 – 0 – 0.

Action Items:

- 12-G-98 Approval Of The City's Position On The Revised Detailed Site Plan DSP 10028 For The Maryland Book Exchange In Response To The District Council Order Of Remand**

A motion was made by Councilmember Stullich and seconded by Councilmember Day that the City Council find that the revised Detailed Site Plan submitted by the applicant is not responsive to the District Council Order of Remand without further substantial revisions to the form and massing of the building. The specific reasons the revised Detailed Site Plan does not comply with the remand order are as follows:

- 1. The revised plan does not adequately “step down through the block to a maximum height of two or three stories facing existing residential development” (as required in the Sector Plan at page 238 and remand order items 1 and 8). In addition, the building does not “drop to a maximum height of 3 stories along the entire Yale Avenue frontage for a minimum depth of 50 feet” or include an adequate “stepback transition that begins consistent with the R-18 zoning line on the south side of College Avenue” (item 12 of the remand order).**

The plan shows a 60-foot tall, 5-story building that is 25 feet from Yale Avenue and College Avenue at the eastern end of the building and is, in fact, a 6-story building for the majority of the entire block. It uses a massive 2-story hip roof that is out of scale and character with the rest of the building and with the adjoining properties in the Old Town Historic District in order to screen the 5 stories of building. In addition, the stepback transition on the north elevation does not step down “through the block” as it merely takes advantage of a 10-foot grade change with a natural step-down midway in

the block and then steps down to a 3-story building with a 2-story roof on the eastern end of the building, just 50 feet from Yale Avenue.

- 2. The revised plan does not ensure adequate pedestrian access and safety at the corner of Route 1 and College Avenue because the building column and steps at this location encroach into the sidewalk area (item 10 of the remand order). The Sector Plan at page 263 recommends a 12 – 30 foot sidewalk width that may vary depending on the space needed to accommodate pedestrian activity. The revised plan shows only an 8-foot clearance between the top of the handicap ramp and the building structure at the corner of Route 1 and College Avenue where pedestrian activity will be extremely high.**
- 3. The revised plan has not sufficiently modified the north elevation to create a more varied façade through greater detail and still remains monolithic in appearance (item 11 of the remand order).**
- 4. The revised plan has not provided at least one landscaped courtyard that is open and accessible from College Avenue (item 13 of the remand order). The pedestrian arcade provided from the western courtyard does not fulfill this requirement. An open-air, landscaped lawn fronting on the street would meet the intent and be more consistent with the residential setbacks and lawns found on College Avenue.**
- 5. The revised plan has not adequately decreased the use of modern design elements or used other materials that relate better to the Old Town Historic District (item 15 of the remand order). In particular, the metal corner features (towers) on the west elevation seem out of place and exaggerated without purpose because this is not a gateway building and the extensive use of Hardipanel makes it difficult to create effective cornices or wall surfaces with much texture.**
- 6. The Prince George's County Historic Preservation Commission has not found the Detailed Site Plan to be compatible with the requirements of 27-281.01 of the Prince George's County Zoning Ordinance, which requires the development to complement the character of the Historic District (item 18 of the remand order), unless additional conditions are adopted which would create two separate buildings and provide enhanced architectural detailing.**
- 7. The revised plan is not sufficiently respectful of adjacent communities (item 16 of the remand order) because it remains massive and out of scale with the adjacent Old Town neighborhood and historic district and the design is monolithic and insensitive to the character of the residential neighborhood. Unless revised significantly, this building will have a negative impact on the residential neighborhood.**

The specific conditions that would enable the City Council to support the revised Detailed Site Plan are as follows:

1. **Revise the architecture to provide a stepback transition that begins approximately 150 feet west of the Yale Avenue right-of-way (the R-18 zoning line). This shall be accomplished by separating the structure into two buildings divided by a 30-foot alley for access and loading. The building west of the alley would be 6 stories in height and the building east of the alley would be 3 stories in height with the third floor constructed as a 1-story gable roof with habitable dormers. Alternatively, the stepback transition could be accomplished by eliminating the following floors from the structure: The 6th floor facing west on the center courtyard, facing east and south on the east courtyard and the 2 units on the 6th floor facing the University of Maryland on the eastern end of the north elevation; the 4th and 5th floors facing north, south and west on the east courtyard and 1 unit on the 4th and 5th floors facing the University of Maryland on the eastern end of the north elevation. In this alternative, all roofs shall be flat.**
2. **Revise the building at the corner of Route 1 and College Avenue to meet the street in a more traditional way, to remove the sidewalk encroachment by the column and stairs, and provide more sidewalk width. Route 1 storefront access should be at grade facing Route 1.**
3. **Reduce the use of Hardipanel for cornice treatments and bay projections and improve the vertical articulation of all facades by providing local symmetry.**
4. **Revise the composition of the front façade to minimize the impact of the metal towers and be more harmonious with surrounding buildings.**
5. **Revise floor plans, where necessary, to eliminate deficiencies such as entrance doors opening to bedrooms (efficiency units), windows facing walls (corner units) and to improve access to bathrooms from bedrooms (4 bedroom, 4 bath units).**
6. **Resolve the storm drain issue with the University of Maryland prior to building permit.**

[End of motion]

Comments from the audience:

Eve Müller, 4710 Calvert Road: This is a monstrous development that would dwarf surrounding properties, double the neighborhood population and defy the Sector Plan and Old Town Historic District guidelines. The developer has shown arrogance and disregard for the concerns of stakeholders. The developer has ignored the requirements of the remand order. She supports the two building solution.

Jim McFadden, 4800 Calvert Road: He will have to bear the burden of this ill-conceived and poorly-designed project. A tremendous opportunity has been lost. We could have had a quality well-designed, mixed-use building. The materials are inconsistent with those found in the historic district. The two-story asphalt shingle roof is being used to conceal apartments where the remand order dictates none should exist. The north elevation is monolithic and the corner towers on the Route 1 frontage are too large and aggressive. The developer presented a

minimally redesigned project that does not feign to be responsive to the remand order. Please use the guidelines of the historic district and the Route 1 Sector Plan to protect the residents from this assault.

Leo Shapiro, 6907 Rhode Island Avenue: This developer stands out because of the depth of the arrogance and disdain shown for the District Council and others. We don't know what's going on behind the scenes.

Bob Schnabel, 7400 Dartmouth Avenue, Vice President, Old Town College Park Civic Association: The members present at last night's OTCPCA meeting were unanimously opposed to the developer's latest revision to the detailed site plan. The project continues to be out of scale with the neighborhood and incompatible with the historic district. Of the current buildings in Old Town: 59% are 1 – 1½ stories, 39% are 2 – 2½ stories. Less than 2% are 3 – 3½ stories. This is a 5 – 6 story structure that would tower over the historic district. The two-story roof adds to the excessive scale of the design and tries to hide that this is still a 5 – 6 story structure. The Civic Association voted to support the conditions recommended by the County Historic Preservation Commission last Thursday, including dividing the project into two buildings, eliminating the two story roof, and enhancing the architectural detail. This is not just a concern of Old Town. It will set a precedent for future developments on Route 1.

Nigel Key, 4710 College Avenue: The proposal does not have the support of the community: the Old Town Civic Association, the Local Advisory Committee for the Historic Preservation Commission, and the College Park residents who spoke at the previous meeting were opposed. This development would add 1,000 residents which is the equivalent of 200 rental houses. This block- long building is out of scale with any other building in the neighborhood and would stick out like a sore thumb on College Avenue. It needs to be redesigned and scaled down. The revised plan fails to follow the sector plan guidelines of 2 -3 stories. The developer has failed to follow the examples of step-downs.

Kelly Lueschon-Deneen, 4715 Norwich Road: This is the first major project considered under the new Sector Plan and will set a precedent along the Route 1 corridor. It was remanded 9 – 0. The changes made by the developer are insignificant and do not meet the remand order. This seems to be a direct action to make this development as ugly as possible. They have not taken into consideration the surrounding architecture. Please adopt the motion.

Douglas Shontz, 4707 Fordham Road: As a resident, he feels abused and ignored; the County Planning Board is just a speed bump. Why would the developer take the remand order seriously when everything gets approved? It's up to the City Council to stand up to them, enforce the rules and represent our interests.

Councilmember Stullich said this is not just an Old Town issue – the building sets a precedent for the entire US 1 Corridor.

Councilmember Day said this is not the right building for this location.

Councilmember Wojahn agrees this is not just an issue impacting Old Town. It is the first development to be considered under the new Sector Plan and it would set a terrible precedent not only for the Route 1 Sector Plan but for other Sector Plans as well. He noted that the developer has not shown up tonight.

Councilmember Afzali said the developer is not complying with what they were told to do – they are just hiding it under the two story roof. The sad thing is they could have developed a project that the City would support and could still make a lot of money. It is more an action you would expect of a child rather than a developer.

Councilmember Kabir said the North College Park Civic Association supported the idea of student housing at this location without seeing the detailed site plan. This is an ideal location for student housing but there is still work to be done on pedestrian safety, size of courtyard, massing of the building, and storm drain management. He encourages the developer to work with the City to resolve the remaining issues.

Councilmember Catlin noted that the University of Maryland Architectural Review Board is supportive of the City's position and alternate proposal and asked if they would testify at the Planning Board hearing.

Councilmember Dennis asked a question about the storm water drain issue raised by the University. Ms. Schum believes the applicant stated they will accept a condition that the issue will be resolved.

Mayor Fellows said he has never seen an applicant so defiant and dismissive of the District Council, and it will be interesting to see how this is resolved.

The motion carried 8 – 0 – 0.

12-O-09 Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code Chapter 102, "Dogs And Other Animals", §102-1, "Definitions", §102-2, "Notification Of Violation", And §102-5, "Complaints" And Deleting §102-9 "Vicious Animals That Are Not Impounded" And §102-13 "Animal Control Board" To Discontinue The Animal Control Board.

A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to introduce 12-O-09, an Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code Chapter 102, "Dogs And Other Animals", §102-1, "Definitions", §102-2, "Notification Of Violation", And §102-5, "Complaints" And Deleting §102-9 "Vicious Animals That Are Not Impounded" And §102-13 "Animal Control Board" To Discontinue The Animal Control Board.

Mayor Fellows stated that the Public Hearing on this ordinance would be held on Tuesday, October 9, 2012 at 7:15 p.m.

12-G-99 Appointments To Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Stullich to reappoint Janis Oppelt and Ballard Troy to the Committee for a Better Environment, and to appoint Kimberly Schumann to the Farmers Market Committee. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Catlin discussed the Berwyn Day celebration held last Saturday. The City-University Partnership's foreclosed property on Lackawanna Street will go to settlement this week.

Councilmember Mitchell said the PGCMA would meet next Thursday at the Prince George's County Sports and Learning Center. PGCMA will send a survey to municipalities to see what they want PGCMA to work on this year.

COMMENTS FROM THE AUDIENCE:

John Krouse, NCPA President, 9709 53rd Avenue: He has been involved in the Greenbelt Station development since 1997. He is concerned about the accelerated time frame for consideration of the Greenbelt Sector Plan. It is complex legally and politically and will have a large impact on the north College Park neighborhood. The North College Park Citizens Association will consider taking a position on Thursday night.

Councilmember Kabir said there are concerns about the noise and light reflection from the proposed development. The Planning Board said they have to wait until the DSP phase to address those issues but he fears that will be too late. He asked staff to come up with some language.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Dennis to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 8:45 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:01 p.m. on September 4, 2012 in the Council Chambers of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to enter into an Executive Session for the following reasons:

G: To Consult with Counsel on a legal matter

The motion passed 6 – 0 – 0.

Present: Mayor Fellows; Councilmembers Kabir, Wojahn, Dennis, Catlin, Afzali and Mitchell. Councilmembers Stullich and Day arrived at 7:03 p.m.

Absent: None.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Steve Groh, Director of Finance; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Steve Halpern, City Engineer.

Topics Discussed: The City Attorney advised the City Council about the proposed special assessment project (Ordinance 12-O-08) and the proposed revitalization tax credit policy.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Kabir to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 7:35 p.m.